

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7423

BILL NUMBER: HB 1430

NOTE PREPARED: Jan 11, 2013

BILL AMENDED:

SUBJECT: Race and Sex-Selective Abortions.

FIRST AUTHOR: Rep. Ubelhor

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a person from performing an abortion if the person knows that the pregnant woman is seeking the abortion because of: (1) the sex of the fetus; (2) the race of the fetus; or (3) the race of the parent.

The bill makes it a Class C felony if a person knowingly or intentionally commits a sex-selective or race-selective abortion. In addition to criminal penalties, a person who violates the provisions of the bill also may be subject to disciplinary sanctions and civil liability.

Effective Date: July 1, 2013.

Explanation of State Expenditures: *Penalty Provision:* The bill establishes a Class C felony for a violation of knowingly or intentionally committing a sex-selective or race-selective abortion. A Class C felony is punishable by a prison term ranging from two to eight years depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,234 annually, or \$8.86 daily, per prisoner. However, any additional expenditures are likely to be small. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

In addition to criminal penalties, a person who violates the provisions of the bill also may be subject to disciplinary sanctions and civil liability. Disciplinary sanctions would be conducted by the Medical Licensing Board within the Indiana Professional Licensing Agency (IPLA). Additional expenditures, if any, would likely be small.

Explanation of State Revenues: *Penalty Provision:* If additional court cases occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class C felony is \$10,000. However, any additional revenues would likely be small.

Explanation of Local Expenditures: *Penalty Provision:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction; IPLA, Medical Licensing Board.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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